

Mieles, Janette

From: Taylor, Karen
Sent: Friday, August 18, 2017 4:38 PM
To: Mcchesney, Dennis
Subject: RE: Reglamento TAS Español-Inglés

I had to think about it for a minute too. For EPA, a tank owner is liable, even if a bank takes ownership of a gas station by default. 883 seems more lenient than federal which is not permitted for State approval.

Rule 883 refers to the 807 definition of technical standards:

“UST technical standards: As used in Part IX Financial Responsibility, refers to the UST preventative and operating requirements under Parts II, III, IV, VII, X, and I of this Regulation and Rule 837.”

So yes, the 883 would exempt the “holder” from RD and everything else.

From: Mcchesney, Dennis
Sent: Friday, August 18, 2017 1:40 PM
To: Taylor, Karen
Subject: RE: Reglamento TAS Español-Inglés

I’m uncomfortable with definition 88 owner which slices out “owner or operator” and the Rules 882 and 883 which I believe lets owners off the hook if they are not substantially involved in management of the USTs. EPA would go to either/or or both/and in enforcement.

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From: Mcchesney, Dennis
Sent: Friday, August 18, 2017 1:26 PM
To: Taylor, Karen
Subject: RE: Reglamento TAS Español-Inglés

I looked up the legal definition of “holder” not too helpful. Do you think that an owner could wiggle out of responsibility for a release using this rule?

From: Taylor, Karen
Sent: Friday, August 18, 2017 12:09 PM
To: Mcchesney, Dennis <McChesney.Dennis@epa.gov>
Subject: RE: Reglamento TAS Español-Inglés

Is sounds like an out for someone or an institution that acquires the gas station, but does not operate. For instance, a bank that takes the property on default.

From: Mcchesney, Dennis
Sent: Friday, August 18, 2017 10:44 AM
To: Taylor, Karen <Taylor.Karen@epa.gov>
Subject: RE: Reglamento TAS Español-Inglés

Hi Karen – what do you make of this rule?

RULE 883. OWNERSHIP OF AN UNDERGROUND STORAGE TANK OR UNDERGROUND STORAGE TANK SYSTEM OR FACILITY OR PROPERTY ON WHICH AN UNDERGROUND STORAGE TANK OR UNDERGROUND STORAGE TANK SYSTEM IS LOCATED.

- A. Ownership of an UST or UST System or facility or property on which an UST or UST System is located. A holder is not an “owner” of a petroleum UST or UST System or facility or property on which a petroleum UST or UST System is located for purposes of compliance with the UST technical standards as defined in Rule 807, the UST corrective action requirements under Rule 838 through Rule 849, and the UST financial responsibility requirements under Rule 863 through Rule 877, provided the person:
- B. Does not participate in the management of the UST or UST System as defined in Rule 807; and
- C. Does not engage in petroleum production, refining, and marketing as defined in Rule 807.

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From: Taylor, Karen
Sent: Wednesday, August 16, 2017 4:08 PM
To: Mcchesney, Dennis <McChesney.Dennis@epa.gov>
Cc: Gutierrez, Claudia <Gutierrez.Claudia@epa.gov>
Subject: RE: Reglamento TAS Español-Inglés

Mainly two comments to pass along:

Part II RULE 807. DEFINITIONS AND ABBREVIATIONS should be under Part I, similar to Subpart A § 280.12 Definitions. The revision seems to consolidate the Part 280 definition sections into one definition section, so Part I Scope is a better location than Part II Field-Constructed Tanks.

Paragraph number changes made RULE 867. FINANCIAL TEST OF SELF-INSURANCE out of sync with § 280.95 Financial test of self-insurance. See comment.

Otherwise, October 13, 2015 and April 11, 2016 dates changed to "effective date of this Regulation" but not consistently throughout the document.

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Note that this message may contain privileged material, including attorney-client or attorney work product. If you inadvertently received this email, please contact Karen Taylor at the address above.

From: Mcchesney, Dennis
Sent: Monday, August 14, 2017 10:33 AM
To: Sawyer, William <Sawyer.William@epa.gov>; Taylor, Karen <Taylor.Karen@epa.gov>; Gutierrez, Claudia <Gutierrez.Claudia@epa.gov>; McDermott, Elizabeth <McDermott.Elizabeth@epa.gov>
Subject: FW: Reglamento TAS Español-Inglés

You likely have copies of this but wanted to send you the English and Spanish version. Let me know if you have any questions.

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From: Wilmarie Rivera Otero [<mailto:WilmarieRivera@jca.pr.gov>]
Sent: Monday, August 14, 2017 10:28 AM
To: Mcchesney, Dennis <McChesney.Dennis@epa.gov>
Subject: FW: Reglamento TAS Español-Inglés

Good morning Dennis,

Attached please find the English and Spanish version of the revised PREQB UST Regulation.
Thanks.

Wilmarie Rivera Otero
Chief
Underground Storage Tank Division
Water Quality Area
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